

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 09/871,723

REMARKS

Claims 2-7, 9-13 and 15-23 are all the claims pending in the application after cancellation of Claim 14. Claims 2-7, 9-13 and 15-23 were previously allowed.

Allowance of all pending claims is respectfully requested.

Formal Matters

Applicants appreciate that the Examiner has now acknowledged Applicants' claim for domestic priority under 35 U.S.C. §119(e) to the U.S. Provisional Application No. 60/279,108, filed on March 28, 2001, and receipt of the sworn translation of the provisional in the present application.

Applicants also appreciate that the Examiner has returned an initialed and signed copy of the Form PTO 1449 submitted to the Patent Office on April 3, 2002, including an indication that he has considered the M.S. Mills et al. article..

Applicants also appreciate that the Examiner provided an Interview Summary form for the telephonic discussions we had from April 1-7, 2003.

The Examiner's Response to Amendment

The Examiner reports that Applicants' amendment filed February 19, 2003, has been fully considered. The Examiner states that the amendment overcomes the outstanding rejections, which are withdrawn, with the exception of the rejection under 35 U.S.C. § 112, second paragraph, concerning the indefiniteness of the particle size limitation of Claim 14 which is maintained.

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Claim Rejection - 35 USC § 112, Second Paragraph

Claim 14 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicants respond by cancelling Claim 14, thereby obviating the rejection under 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants respectfully request withdrawal of this rejection.

Conclusion

In view of the above, allowance of this application is now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

Date: July 10, 2003

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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 14 is canceled.